

Town of Uxbridge
Planning Board
21 South Main Street
Uxbridge, MA 01569
(508) 278-8600, ext 2013

Posted by
Uxbridge
Town Clerk

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Minutes of the Uxbridge Planning Board regular meeting held on **Wednesday, October 12, 2011**, at **7:00 P.M.** in the **Board of Selectmen's Room, Uxbridge Town Hall, 21 South Main Street, Uxbridge, MA:**

Planning Board Members Present: Charles Lutton, Joseph Leonardo, Barry Desruisseaux, Ernest Esposito and Julie Butler.

Others Present: Donna C. Hardy, Planning Board Administrative Assistant

It being 7:00 pm, the meeting being properly posted, duly called and a quorum being present, Chairman Charles Lutton called the meeting to order and led the gathering in the Pledge of Allegiance.

Public Hearings:

ARTICLE 11: AMEND THE ZONING BYLAWS

Be it resolved that the Town of Uxbridge Amend the Zoning Bylaws in the following manner:

Add to the "APPENDIX A, TABLE OF USE REGULATIONS", under Section "E, INDUSTRIAL USES"

(DISTRICTS)	R-A	R-B	R-C	A	B	I
Manufacturing establishment	N	N	N	N	N	PB

Furthermore, ADD to "Article X DEFINITIONS", in the appropriate alphabetical order the following: Manufacturing establishment: Any business the primary function of which is the assembly, fabrication, processing and re-processing of materials, that is not dangerous by reason of fire, explosion, or other hazards, and does not produce excessive dust, odors, gas, smoke, vibration, noise or electromagnetic interference, and which would not be detrimental to the neighborhood or the Town of Uxbridge. Specifically expected are tanneries, wood pulp or paper mills, meat packing, slaughterhouse and/or meat rendering, and pet food plants, which are prohibited. Any other use specifically referenced under this bylaw shall be governed by those specific sections.

Chairman Lutton opened the public hearing.

Chairman Lutton commented on the Public Hearing for "Article 11: Amend the Zoning Bylaws." There was a typo on the above "Article 11: Amend The Zoning Bylaws" stating "Specifically expected are tanneries, wood pulp or paper mills, meat packing, slaughterhouse and/or meat rendering, and pet food plants, which are prohibited." Article 11: Amend the Zoning Bylaws" should state the following "Specifically excepted are tanneries, wood pulp or paper mills, meat packing, slaughterhouse and/or meat rendering, and pet food plants, which are prohibited."

Zoning Board of Appeals Chairman Mark Wickstrom was present. Chairman Wickstrom informed the Planning Board that the Zoning Board of Appeals met on September 7, 2011 to discuss this article and voted 3-0 to place it on the warrant. Following discussion, **MOTION** by Mr. Esposito to recommend favorable action for "Article 11: Amend the Zoning Bylaws" to the Fall Annual Town Meeting 2011 and to close the public hearing. Seconded by Mr. Leonardo, the motion carried unanimously.

ARTICLE 12: AMEND THE ZONING BYLAWS

To see if the Town will vote Rezone South Main St. parcels to "Business" on the Town of Uxbridge Zoning map, (as most recently amended); more specifically the parcels known as Assessor's map 25, parcel 4267; map 30 parcel 341; map 30 parcel 299 and map 30 parcel 1118. Chairman Lutton opened the public hearing. Mr. Mark Wickstrom, a resident at 108 Hecla Street came forward to discuss this bylaw on behalf of the Citizen's Petition. Following discussion, **MOTION** by Ms. Butler to recommend favorable action for "Article 12: Amend the Zoning Bylaws" to the Fall Annual Town Meeting 2011 and to close the public hearing. Seconded by Mr. Esposito, the motion carried unanimously.

Old/New Business:

FY11-06, High Ridge Estates (decision) – Chairman Lutton recused himself. The Planning Board discussed the waiver requests. The waiver request list is as follows:

- 1) **Section 4.A.1.h. Property line rounded to provide a curb radius or right-of-way of not less than 25'.** The applicant requests a 15' curb radius due to the existing configuration, which provides an adequate turning arrangement.
Following discussion, **MOTION** by Mr. Esposito to allow the waiver titled "Section 4.A.1.h. Property line rounded to provide a curb radius or right-of-way of not less than 25'." for FY11-06 High Ridge Estates of a Preliminary Plan Approval. Seconded by Ms. Butler, the motion carried unanimously.
- 2) **Section 4.A.2 Widths of street right-of-ways.** The project was previously approved with a 40' right-of-way. The applicant has widened the plans to provide a 50' width, except at the South Main Street entrance, where there is only about 42' available.
Following discussion, **MOTION** by Mr. Esposito to allow the waiver titled "Section 4.A.2 Widths of street right-of-ways." for FY11-06 High Ridge Estates of a Preliminary Plan Approval. Seconded by Ms. Butler, the motion carried unanimously.
- 3) **Section 4.A.3.a Grades of streets.** Grades of streets shall be not less than 0.75% nor more than 8.0%. Compliance with the 8% grade is not possible due to the location of the wetlands and power lines. Road-A has approximately 188' of 9.8% grade and 543' of 9.5% grade and Road-B has 312 feet of 9.5%. These values are within the engineering standards accepted by the ITE and Massachusetts Department of Public Works Highway Design.
Following discussion, **MOTION** by Mr. Esposito to allow the waiver titled "Section 4.A.3.a Grades of streets. Grades of streets shall be not less than 0.75% nor more than 8.0%." for FY11-06 High Ridge Estates of a Preliminary Plan Approval. Seconded by Ms. Butler, the motion carried unanimously.
- 4) **Section 4.A.4.a Dead-end Streets.** Dead-end streets shall be provided at the closed end with a turn-around having an outside roadway diameter of at least one hundred (100) feet and a property line diameter of at least 100 hundred twenty (120) feet, or such diameters as approved by the Planning Board. (1.) For the purposes of these subdivision rules and regulations, a "dead end street" is defined

as any street or system of streets which has only a single access to an existing street system with two (2) or more points of access. Any such street or system of streets shall be considered a dead end regardless of size or internal circulation patterns.

The roads were laid out to gain access to the useable areas of the land. Road-A is approximately 1800' long and Road-B is approximately 835' and begins at 692' up Road-A.

Following discussion, **MOTION** by Mr. Esposito to allow the waiver titled "Section 4.A.4.a Dead-end Streets. Dead-end streets shall be provided at the closed end with a turn-around having an outside roadway diameter of at least one hundred (100) feet and a property line diameter of at least 100 hundred twenty (120) feet, or such diameters as approved by the Planning Board. (1.) For the purposes of these subdivision rules and regulations, a "dead end street" is defined as any street or system of streets which has only a single access to an existing street system with two (2) or more points of access. Any such street or system of streets shall be considered a dead end regardless of size or internal circulation patterns." for FY11-06 High Ridge Estates of a Preliminary Plan Approval. Seconded by Ms. Butler, the motion carried unanimously.

- 5) **Section 5.D.4 Two Grass strips shall be required along the roadway with a minimum width of five (5) feet each.** The applicant requests a waiver to have a grass strip on one side and a sidewalk on the other due to wetlands. A meandering sidewalk (with intermittent grass strip could be provided, if desired).

Following discussion, **MOTION** by Mr. Esposito to allow the waiver titled "Section 5.D.4 Two Grass strips shall be required along the roadway with a minimum width of five (5) feet each." for FY11-06 High Ridge Estates of a Preliminary Plan Approval. Seconded by Ms. Butler, the motion carried unanimously.

Following review of all materials and testimony on October 12, 2011, **MOTION** by Mr. Esposito to approve the application for "FY11-06 High Ridge Estates of a Preliminary Subdivision Plan". Seconded by Ms. Butler, the motion carried unanimously.

Chairman Lutton returned to the meeting.

FY12-05 Kettle Hill Estates, Application for a Definitive Subdivision Plan Approval - The owner/applicant of record Kenneth J. & Louise M. Redding are seeking a Definitive Subdivision Plan Approval located on the north by Jamieson, on the east by Eichelroth & Fortin, on the south by Thomas and the west by Yarger, Chludenski, Goguen and Blackstone Street. The property has eleven (11) with a total acreage of tract 16.9 acres and is shown on the Town of Uxbridge Assessor's Map 31, Parcels 3497. The undersigned's title to said land is derived from Minelli Development Corporation by deed dated October 15, 1979 and recorded in the Worcester Registry of Deeds Book 6855, Page 135 and said land is free from encumbrances. **MOTION** by Mr. Leonardo to continue the Public Hearing for the application listed as **FY12-05 Kettle Hill Estates, Application for a Definitive Subdivision Plan Approval** to next scheduled meeting on October 26th. Seconded by Mr. Desruisseaux, the motion carried unanimously.

Old/New Business:

Wanda Way (bond process) – Mr. Benn Sherman, DPW Director provided the Board a "Preliminary Review and Cost Estimate" for Wanda Way – A Definitive Subdivision dated October 12, 2011. Chairman Lutton read a portion of the report stating "The \$22,400 should be sufficient to secure this project." Following discussion, **MOTION** by Mr. Leonardo to accept the Tri-Party agreement to bond construction of ways and installation of municipal services for Wanda Way. Seconded by Ms. Butler, the motion carried unanimously.

Meadow Valley Estates (Sand Wedge Drive) – Chairman Lutton stated that there was an error for the most recent decision for this subdivision. Following discussion, **MOTION** by Mr. Leonardo to accept the revision for Meadow Valley Estates to remove “private in perpetuity” for this subdivision. Seconded by Ms. Butler, the motion carried unanimously. Discussions shall continue to the next meeting, with a new decision drafted.

FY12-01 Carpenter Hill (decision) – The Planning Board discussed the waiver requests. The waiver request list is as follows:

- 1) **Section 3.B.2.k Proposed layout of storm drainage, water supply and sewage disposal systems.**
The applicant requests a waiver from a formal closed pipe storm drainage system. The increase in post-development runoff for the proposed roadway is negligible and existing drainage patterns are not proposed to be altered. The applicant requests a waiver from a formal closed pipe storm drainage system. The increase in post-development runoff for the proposed roadway is negligible and existing drainage patterns are not proposed to be altered.
Following discussion, **MOTION** by Mr. Desruisseaux to allow the waiver titled “Section 3.B.2.k Proposed layout of storm drainage, water supply and sewage disposal systems.” for FY12-01 Carpenter Hill Definitive Subdivision Plan Approval. Seconded by Mr. Esposito, the motion carried unanimously.
- 2) **Section 3.B.3.a Performance Guarantee - Final approval with bonds or surety.** Before approval of a Definitive Plan of a subdivision, the subdivider shall either file a performance bond or deposit money or negotiable securities in an amount determined by the Board to be sufficient to cover the cost of all, or any parts of the improvements specified in Section 5, or follow the procedures outlined in “b” below. Such bond or security if filed or deposited shall be approved as to form and manner of execution by the Town Counsel and as to sureties by the Selectmen or Town Treasurer and shall be contingent on the completion of such improvements within the time set by the Planning Board. The applicant requests a waiver from the construction of a subdivision road and therefore the performance guarantee associated with such construction.
Following discussion, **MOTION** by Mr. Desruisseaux to allow the waiver titled “Section 3.B.3.a Performance Guarantee - Final approval with bonds or surety.” for FY12-01 Carpenter Hill Definitive Subdivision Plan Approval. Seconded by Mr. Esposito, the motion carried unanimously.
- 3) **Section 3.B.3.b Performance Guarantee – Final approval with conditions.** Instead of filing a bond or depositing surety, the subdivider may request approval of his Definitive Plan on condition that no lot in the subdivision shall be sold and no building shall be erected thereon until the improvements specified in Section 5 are constructed and installed so as to serve the lots adequately. Such conditions shall be endorsed upon the plan or contained in a separate vote or agreement, which shall be referred to on the plan and recorded in the Registry of Deeds. When the subdivider has completed the required improvements specified in Section 5 for any lots in a subdivision, he may request a Release of Conditions for said lots. If the improvements have been completed to the satisfaction of the Board, the Board will then execute and deliver to the subdivider such Release, which shall be in form for recording in the Registry of Deeds. Thereafter the conditions for relating to such lots and so released shall terminate. The applicant requests a waiver from the construction of a subdivision road and therefore the requirement for a final approval or acceptance of the road.
Following discussion, **MOTION** by Mr. Desruisseaux to allow the waiver titled “Section 3.B.3.b Performance Guarantee – Final approval with conditions.” for FY12-01 Carpenter Hill Definitive Subdivision Plan Approval. Seconded by Mr. Esposito, the motion carried unanimously.

- 4) **Section 4.A.1.h Property lines at street intersections shall be rounded or cut back to provide for a curb radius or right of way not less than twenty-five (25) feet.** The applicant requests a waiver from this requirement due to the existing configuration of property lines and also that no curb is proposed. Following discussion, **MOTION** by Mr. Desruisseaux to allow the waiver titled "Section 4.A.1.h Property lines at street intersections shall be rounded or cut back to provide for a curb radius or right of way not less than twenty-five (25) feet." for FY12-01 Carpenter Hill Definitive Subdivision Plan Approval. Seconded by Mr. Esposito, the motion carried unanimously.
- 5) **Section 4.A.3.b Grades of turnarounds on dead-end streets shall not be less than 0.75% nor more than 2.0%.** The applicant requests a waiver from this requirement associated with the construction of a subdivision road. Existing grades shall be maintained to the maximum extent practicable. Following discussion, **MOTION** by Mr. Desruisseaux to allow the waiver titled "Section 4.A.3.b Grades of turnarounds on dead-end streets shall not be less than 0.75% nor more than 2.0%." for FY12-01 Carpenter Hill Definitive Subdivision Plan Approval. Seconded by Mr. Esposito, the motion carried unanimously.
- 6) **Section 4.A.4.a Dead-end streets shall be provided at the closed end with a turn-around having an outside roadway diameter of at least one hundred (100) feet and a property line diameter of at least one hundred twenty (120) feet, or such diameters as approved by the Planning Board.** (1.) For the purposes of these subdivision rules and regulations, a "dead-end street" is defined as any street or system of streets which has only a single access to an existing street system with two (2) or more points of access. Any such street or system of streets shall be considered a dead-end regardless of size or internal circulation patterns. The applicant requests a waiver from this requirement. In lieu of a paved cul-de-sac the applicant proposed a compacted gravel turn-around of sufficient length and width to accommodate a fire engine. Following discussion, **MOTION** by Mr. Desruisseaux to allow the waiver titled "Section 4.A.4.a Dead-end streets shall be provided at the closed end with a turn-around having an outside roadway diameter of at least one hundred (100) feet and a property line diameter of at least one hundred twenty (120) feet, or such diameters as approved by the Planning Board." for FY12-01 Carpenter Hill Definitive Subdivision Plan Approval. Seconded by Mr. Esposito, the motion carried unanimously.
- 7) **Section 4.A.4.d. A 50' wide right of way shall be provided for the future expansion of a roadway on a dead-end street.** The applicant requests a waiver from this requirement. The land beyond the subject parcel is occupied by existing residential dwellings. Following discussion, **MOTION** by Mr. Desruisseaux to allow the waiver titled "Section 4.A.4.d. A 50' wide right of way shall be provided for the future expansion of a roadway on a dead-end street." for FY12-01 Carpenter Hill Definitive Subdivision Plan Approval. Seconded by Mr. Esposito, the motion carried unanimously.
- 8) **Section 5.C Street and Roadway Specifications.** The applicant requests a waiver from these requirements associated with the construction of a conventional subdivision road. The proposed roadway shall be constructed using standard construction practices, remain private for perpetuity, and never be offered for acceptance by the Town of Uxbridge. Following discussion, **MOTION** by Mr. Desruisseaux to allow the waiver titled "Section 5.C Street and Roadway Specifications." for FY12-01 Carpenter Hill Definitive Subdivision Plan Approval. Seconded by Mr. Esposito, the motion carried unanimously.

- 9) **Section 5.D Utilities.** The applicant requests a waiver from these requirements associated with the construction of a conventional subdivision road. The proposed roadway shall be constructed using construction practices, remain private for perpetuity, and never be offered for acceptance by the Town of Uxbridge. Electric, telephone and cable utilities shall be installed in accordance with the utility company requirements. Following discussion, **MOTION** by Mr. Desruisseaux to allow the waiver titled "Section 5.D Utilities." for FY12-01 Carpenter Hill Definitive Subdivision Plan Approval. Seconded by Mr. Esposito, the motion carried unanimously.
- 10) **Section 5.E Sidewalks.** The applicant requests a waiver from this requirement associated with the construction of a conventional subdivision road. Following discussion, **MOTION** by Mr. Desruisseaux to allow the waiver titled "Section 5.E Sidewalks." for FY12-01 Carpenter Hill Definitive Subdivision Plan Approval. Seconded by Mr. Esposito, the motion carried unanimously.
- 11) **Section 5.H Maintenance of Streets.** The applicant requests a waiver from the Standard Cross Section and has proposed an alternate cross section. Following discussion, **MOTION** by Mr. Desruisseaux to allow the waiver titled "Section 5.H Maintenance of Streets." for FY12-01 Carpenter Hill Definitive Subdivision Plan Approval. Seconded by Mr. Esposito, the motion carried unanimously.

Following review of all materials and testimony on October 12, 2011, **MOTION** by Mr. Desruisseaux to approve the application for "FY12-01 Carpenter Hill of a Definitive Subdivision Plan". Seconded by Mr. Esposito, the motion carried unanimously.

FY12-04 Lenze America (decision) – The Board discussed the decision presented; requires the plans and decision (conditions) to indicate a stop sign and truck turning radius information. Two (2) additional conditions will be added to the decision.

ANR Plan on 93 Hecla Street (Map 25, Parcel 1425) – Mr. Stephen O'Connell with Andrews Survey & Engineering, Inc. was present and discussed the ANR plan. Following discussion, **MOTION** by Mr. Desruisseaux to accept the ANR plan prepared by Andrews Survey & Engineering, Inc. for the applicant Odisef Tsimogiannis, owner Aris Group, LLC for the plan titled "Division of Land of 93 Hecla Street in Uxbridge, MA" dated October 4, 2011. Seconded by Ms. Butler, the motion carried 4-0-1 (abstain). The Planning Board signed the mylar plans.

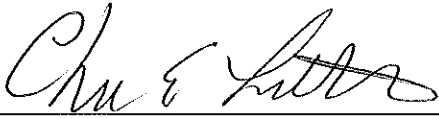
ANR Plan, Parcel A for Rawson Street/Williams Street (Map 10, Parcel lots 2959, 3393, 3625 & 3645) – Mr. Stephen O'Connell with Andrews Survey & Engineering, Inc. was present and discussed the ANR plan. Following discussion, **MOTION** by Mr. Desruisseaux to accept the ANR plan prepared by Andrews Survey & Engineering, Inc. for the owners Vanderzicht Realty Trust and Keith & Sherri Vanderzicht for the plan titled "Division of Land on Rawson Street and Williams Street in Uxbridge, MA" dated October 6, 2011. Seconded by Mr. Leonardo, the motion carried unanimously. The Planning Board signed the mylar plans.

MINUTES. MOTION by Ms. Butler to approve the Planning Board Meeting Minutes dated September 28, 2011. Seconded by Mr. Desruisseaux, the motion carried unanimously.

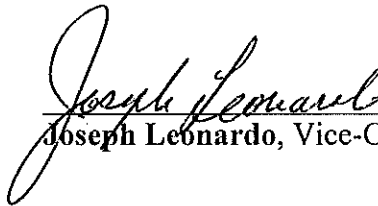
MINUTES. MOTION by Mr. Desruisseaux to approve the Planning Board Executive Session Meeting Minutes dated September 28, 2011. Seconded by Ms. Butler, the motion carried unanimously.

MOTION by Mr. Desruisseaux to adjourn at 7:58 PM into executive session to discuss strategy with respect to collective bargaining or litigation, an open meeting may have a detrimental effect on the government's bargaining or litigation position, with no other business to follow. Seconded by Mr. Leonardo, the motion carried unanimously by roll call vote.

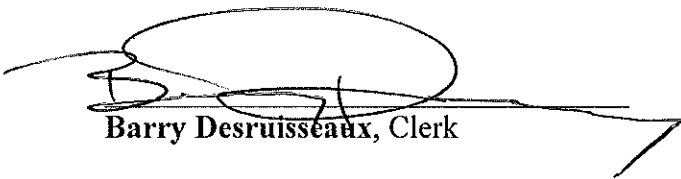
Respectfully Submitted by Donna C. Hardy, Planning Board Administrative Assistant



Charles, Lutton, Chairman

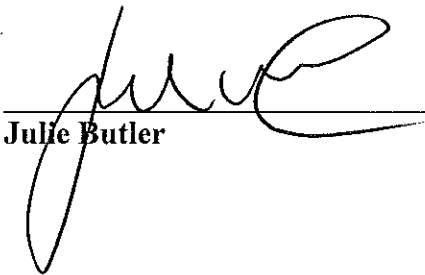


Joseph Leonardo, Vice-Chair



Barry Desruisseaux, Clerk

Ernest Esposito, Member



Julie Butler

11/2/11

Date